



Legislative Testimony  
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**Written Testimony on House Bill 6659, An Act Concerning the State Budget  
for the Biennium Ending June 30, 2025, and Making Appropriations  
Therefor**

Senator Osten, Representative Walker, Ranking Members Berthel and Nuccio, and distinguished members of the Appropriations Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am here to testify on House Bill 6659, An Act Concerning the State Budget for the Biennium Ending June 30, 2025, and Making Appropriations Therefor.

The ACLU-CT is an organization dedicated to ending mass incarceration and the disparate effects of mass incarceration on Black and brown Connecticut residents. One of the best uses of funds in Connecticut is to divest from policing and incarceration and reallocate those funds back into people and communities harmed by the systemically racist institution of mass incarceration. Below is a breakdown of various comments and feedback that the ACLU-CT offers on the aspects of the proposed budget being heard by this Committee today.

*Justice Reinvestment*

Justice reinvestment represents a change in how we define public safety. It means investing in education, healthcare, and Connecticut's people and communities, to keep our people and communities safe. Moving money that formerly propped up symbols of mass incarceration, like the money spent on Willard-Cybulski and Northern Correctional Institutions, into the people who experienced those harms is not just good policy, but a strong message about Connecticut's priorities.

Our state has a substantial surplus and rainy day fund. The closure of these prisons will net even more savings for the state. The money saved from these prisons' closures should go into programs and services run by and for incarcerated and formerly incarcerated people, namely: educational programming, reentry services, creating a DOC healthcare oversight board, and healthcare staff. These reentry funds should include providing a state ID to every person as they leave incarceration. And finally, the ACLU-CT supports the funding of diversionary services, like the Early Screening and Intervention pilot program funded within the Division of Criminal Justice.

We have a moral and a legal obligation to provide care to those whom the state has chosen to incarcerate. The state is spending a great deal of money trying to defend its indefensible choice not to provide adequate healthcare for incarcerated people. Rather than spend money defending lawsuits, the state should spend money providing that care. We know that a person released from incarceration is more likely to die within the first two weeks of their return to community. We know that when we provide a proper transition of care, one that includes the involvement of a formerly incarcerated community health workers, we can keep folks alive and healthy.

The Justice Reinvestment package is based on proven efforts that have been successful in other jurisdictions. The principle behind it: the more we care for those the state has chosen to incarcerate, the healthier people are when they return to community and the healthier the communities they return to. The Justice Reinvestment Coalition is calling for increases of \$30 million to address the DOC healthcare staff shortages; \$20 million to improve incarcerated people's medical services; \$5 million to train and recruit formerly incarcerated people to work in healthcare and reentry; funding and creating a regulatory oversight body over DOC healthcare; growing effective reentry strategies through education, training, and discharge programs; and fully funding Unified School District #1.

### *Criminal Justice Commission and Prosecutorial Accountability*

The ACLU-CT also urges this committee to increase the Criminal Justice Commission's line-item budget to adequately cover the costs of exercising the Commission's statutory powers, which include conducting national searches to fill state's attorney, deputy chief state's attorney, and chief state's attorney vacancies, and conducting division investigations. This line-item budget is currently housed within the Division of Criminal Justice's overall operating budget.

The ACLU-CT believes that mass incarceration is the liberation struggle that defines our era in U.S. history. We believe that everyone has a role to play in ending the pervasive system of mass incarceration. That is especially true of people operating within the criminal legal system, like State's Attorneys, whose decisions can either perpetuate mass incarceration or begin to work towards a different model of justice. Prosecutors are some of the most powerful actors in the criminal legal system and among the least accountable to the public. For a long time, prosecution was a black box, shielding prosecutors' decisions from scrutiny and insulating prosecutors. Connecticut began to shine a light on prosecutorial transparency through the data collected pursuant to P.A. 19-59, but our judicial districts operate independently of one another with little oversight.

While the Criminal Justice Commission (CJC) oversees the weighty task of appointing all state prosecutors employed by the Division of Criminal Justice, it operates on a shoestring budget with limited power. The ACLU-CT envisions a CJC that is independent from the Division of Criminal Justice, with stronger disciplinary mechanisms and sufficient funding to evaluate State's Attorneys and conduct investigations into any prosecutorial misconduct. With this potential growth in power comes the need to ensure the CJC's budget is structured to match this expansion. Adequate funding is critical as the CJC prepares to conduct a national search to appoint the state's next chief state's attorney. The ACLU-CT urges this Committee

to bolster the CJC's independence and facilitate robust appointment searches by increasing the CJC's line-item budget.

### *Public Defenders and Assigned Counsel*

As an organization that fights for fairness and justice in the criminal justice system, the ACLU-CT works to ensure people accused of crimes have the legal representation they are guaranteed by our constitution. Access to justice, including defense attorneys, should be available to everyone in Connecticut, regardless of their ability to pay. In large part, the Public Defender Services Commission, which includes funding for our public defenders and our assigned counsel, experienced little to no funding increases. We encourage this Committee to increase funding to the Public Defender Services Commission to increase staffing and ensure that people accused of a crime have access to justice.

### *Funding Free Prison Phone Calls*

For people who are incarcerated, maintaining familial and community bonds is crucial to mental health, physical health, community health, and community safety. The ACLU-CT believes that those societal benefits should not be bought by the most vulnerable people in our communities. In 2021, this legislature voted to make phone calls in prison free.

Experts estimate that families of incarcerated people pay nearly \$3 billion every single year on the hidden costs of incarceration.<sup>1</sup> There are commissary costs, costs associated with visitation, legal costs, and sometimes even the costs of housing incarcerated loved ones. People who bear these costs are often the ones least likely to be able to do so. People from low-income backgrounds are more likely to be imprisoned.<sup>2</sup> And of course, because Black and Latinx people in Connecticut are

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<sup>1</sup> Beatrix Lockwood & Nicole Lewis, *The Hidden Cost of Incarceration*, MARSHALL PROJECT (Dec. 17, 2019), <https://www.themarshallproject.org/2019/12/17/the-hidden-cost-of-incarceration>.

<sup>2</sup> Adam Looney & Nicholas Turner, *Work and Opportunity Before and After Incarceration*, BROOKINGS INST. (Mar. 14, 2018), <https://www.brookings.edu/research/work-and-opportunity-before-and-after-incarceration/>.

disproportionately likely to be incarcerated due to systemic racism, families of color bear a disproportionate burden when it comes to paying for costs like commissary items.<sup>3</sup> Funding the costs of free prison phone calls is essential, and we encourage this Committee to fund the line item for providing this service.

### *Funding Clean Slate*

The ACLU-CT wholeheartedly supported Clean Slate in 2021. The ACLU-CT believes in a society where all people, including those who have been convicted of a crime, have equal opportunity to contribute to society and build successful and fulfilling lives. Funding the staffing necessary to meet the requirements of Clean Slate is essential to ensuring that the law is actually able to help people with criminal records in a timely and accessible manner. We support the line item of this budget that does precisely this.

Rather than appropriate funds to systems that contribute to the over-policing and mass incarceration of primarily communities of color, money currently allocated for policing should be redirected to the services discussed in this written testimony. The ACLU-CT opposes budget allocations that contribute to the role, responsibilities, and presence of police, especially in Black and brown communities. We must take funds currently spent on policing and reallocating them into programs and expenditures that build safe and healthy communities.

### *Electronic Monitoring*

The ACLU-CT opposes the line item funding GPS electronic monitoring. There is little data regarding recidivism and electronic monitoring and there is no evidence demonstrating its rehabilitative effect. Because of systemic racism and inequity, the financial penalties associated with electronic monitoring disproportionately fall on

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<sup>3</sup> Jordan Nathaniel Fenster, *Racial Disparities Persist in CT Prisons, Even As the Population Dropped*, CT INSIDER (Oct. 17, 2020), <https://www.ctinsider.com/local/ctpost/article/Racial-disparities-persist-in-CT-prisons-even-as-15651213.php>.

people of color and people with lower incomes.<sup>4</sup> Electronic monitoring also raises significant privacy concerns, because the data generated can be accessed by law enforcement and private companies, resulting in increased interactions between youth and the police.<sup>5</sup> Additionally, the overly rigid conditions of electronic monitoring, such as obtaining approval before leaving home or holding people responsible when the equipment breaks, make it difficult for to work, change their schedules, or respond to emergencies.

Electronic monitoring would not provide the kind of support that has been proven to be most effective at extricating people from criminal legal system involvement,<sup>6</sup> but instead is a criminal law control and monitoring response. Electronic monitoring does not lower incarceration rates, is not rehabilitative, and is not cost-effective.

As a whole, the ACLU-CT supports a budget that divests from policing, the criminal legal system, and the carceral system. We emphatically encourage this Committee to reinvest this money, in addition to funds from Connecticut's astronomical surplus and rainy day fund, into reentry services, healthcare and oversight, defense representation, full Clean Slate implementation, and all the other policies recommended in this testimony.

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<sup>4</sup> Leah Mack, *Electronic Monitoring Hurts Kids and Their Communities*, JUVENILE JUST. INFO. EXCHANGE (Oct. 24, 2018), available at <https://jjie.org/2018/10/24/electronic-monitoring-hurts-kids-and-their-communities/>.

<sup>5</sup> Kate Weisbrud, *Monitoring the Youth: The Collision of Rights and Rehabilitation*, 101 IOWA L. REV. 297 (2015), available at <https://ilr.law.uiowa.edu/print/volume-101-issue-1/monitoring-the-youth-the-collision-of-rights-and-rehabilitation/>.

<sup>6</sup> *Conditions of Confinement for Incarcerated Youth Age 15 to 21 at Manson Youth Institution and York Correctional Institution*, OFF. CHILD ADVOCATE (Nov. 2020), available at <https://portal.ct.gov/-/media/OCA/OCA-Recent-Publications/OCA-Report-MYIYCI-Nov-2020.pdf>.